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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,000	08/07/2001	Peter Robert Foley	7940	1791

27752 7590 03/26/2004

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EXAMINER

KUMAR, PREETI

ART UNIT PAPER NUMBER

1751

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,000

Applicant(s)

FOLEY ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-37, 42-45 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-37, 42-45 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-Final Rejection after RCE

1. Claims 1-29, 38-41, 46-47 and 49 are cancelled.
2. Claims 30-37, 42-45 and 48 are pending.

Response to Amendment

3. The rejection of claims 30-37, 42-45 and 48 under 35 U.S.C. 102(a) as anticipated by Vinson et al. (US 5,990,065) is withdrawn in light of applicant's amendment to the claims.
4. The rejection of claims 30-37, 42-45 and 48 under 35 U.S.C. 103(a) as obvious over Vinson et al. (US 5,990,065) is maintained for the reasons recited in the previous office actions and further explained below.

Response to Arguments

5. Applicant's arguments filed January 14, 2004 have been fully considered but they are not persuasive.
6. Applicant's urge that Vinson et al. is directed to a dishwashing detergent composition comprising organic diamines, whereas the presently amended claims are directed to a composition that does not contain diamines. Examiner draws attention to example VIII in col.47-48 of the prior art, where Vinson et al. illustrate a liquid detergent composition not comprising diamines. Regarding specifically the amylase enzyme, Vinson et al. do not teach the utility of the specified amount of amylase enzyme as recited by the instant claims. However, Vinson et al. suggest that the detergent composition may further comprise proteolytic enzymes and other enzymes such as

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amylases in an amount from about 0.0001% to about 5% as recited by the instant claims. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a detergent composition not comprising a diamine and comprising an amylase enzyme in the proportion as recited by the instant claims because Vinson et al. illustrate a liquid detergent composition not comprising diamines and suggest the optional utility of various enzymes including amylases in general.

New Grounds of Rejection

Specification

7. The disclosure is objected to because of the following informalities: Applicants have amended the disclosure on January 14, 2004 to replace page 13, ln.3-10 with the same information recited on page 12, ln.19-26 in the original specification filed August 7, 2001. Examiner does not see the need for this redundancy and the amendment does not flow grammatically into the disclosure. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. Claims 30-33, 36-37, 42-45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,206,070).

Jones teaches a liquid detergent composition not comprising diamines and further comprising enzymes and suds boosters at a pH of 8. Jones illustrates in example II formulations A-E, a liquid dishwashing detergent composition not comprising a diamine. See col.9. Specifically regarding pH, Jones teaches detergent compositions preferably include builder salts, especially alkaline, poly-valent anionic builder salts to

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maintain the pH of the solution in the range from about 7 to about 12. See col.5, ln.20-25.

Regarding the enzyme of claim 30-33 and 42, Jones teaches the utility of various detergency enzymes well known in the art for their ability to degrade and aid in the removal of various soils and stains. Detergency enzymes are commonly used at concentrations of from about 0.1% to about 1.0% by weight of such compositions. Typical enzymes include the various proteases, lipases, amylases, and mixtures thereof, which are designed to remove a variety of soils and stains. See col.7, ln.5-15 and claim 1.

Specifically regarding claims 30, 36-37 and 43-45, Jones teaches the utility of various suds stabilizing surfactants typically in the range of from about 2% to about 95% by weight. See col.3-6, and claim 1.

Jones do not specifically teach a composition comprising amylase enzyme and suds stabilizer at a pH greater than 8 in the specific proportion and not comprising a diamine as recited by the instant claims.

However, it would have been obvious to one of ordinary skill in the art, to arrive at a liquid dishwashing detergent composition of pH greater than 8, and not comprising a diamine and further comprising an amylase and a polymeric suds stabilizer in the same proportion as recited by the instant claims because Jones suggests a liquid dishwashing detergent composition at a pH greater than 8, not comprising a diamine and further comprising an amylase and a polymeric suds stabilizer in the same proportions as recited by the instant claims.

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Conclusion

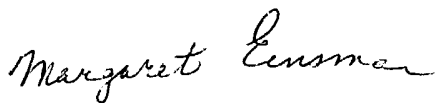
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK


MARGARET EINSMANN
PRIMARY EXAMINER
GROUP 1100